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OFFICE OF PETITIONS

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December 31, 2003  
Date

Denise Sheridan  
Denise Sheridan

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OFFICE OF PETITIONS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/652,842                      Confirmation No. : 4065  
Applicant : Vishnu K. Agarwal  
Filed : August 31, 2000                      Attorney Docket No.: 501082.06  
Art Unit : 2825                                  Customer No. : 27,076  
Examiner : Belur V. Keshavan  
Title : DEVICE AND METHOD FOR PROTECTING AGAINST OXIDATION OF A  
CONDUCTIVE LAYER IN SAID DEVICE

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL FROM ISSUE (37 C.F.R. § 1.313(c)(2)) TO PERMIT  
CONSIDERATION OF AN INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97)  
IN A REQUEST FOR CONTINUED EXAMINATION (37 C.F.R. § 1.114)

Sir:

In accordance with 37 C.F.R § 1.313(c)(2), Applicant hereby petitions the Office that the above-identified application be withdrawn from issue to permit consideration of an Information Disclosure Statement under 37 C.F.R. § 1.97 in the Request for Continued Examination (37 C.F.R. § 1.114) filed herewith. This application was allowed on September 24, 2003, and the issue fee was paid on December 23, 2003.

Applicant requests that the application be withdrawn from issue in favor of the Request for Continued Examination filed herewith. Applicant requests that the Office grant this

Petition and consider the Request for Continued Examination and Information Disclosure Statement filed concurrent herewith.

Enclosed is a check in the amount of \$900 in accordance with CFR 1.17(e).

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1266.

A copy of this Petition is enclosed.

Respectfully submitted,

DORSEY & WHITNEY LLP



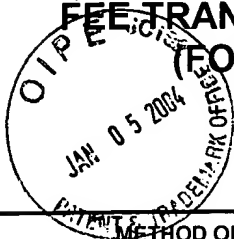
Steven H. Arterberry  
Registration No. 46,314

Enclosures:

- Postcard
- Check
- Copy of this Petition
- Request for Continued Examination (+ copy)
- Information Disclosure Statement
- PTO Form 1449 and cited references (3)

1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101  
Tel: (206) 903-8800  
Fax: (206) 903-8820

# **FEE TRANSMITTAL SHEET (FOR FY 2004)**



Complete if Known

Application No.	09/652,842
Filing Date	August 31, 2000
First Named Inventor	Vishnu K. Agarwal
Group Art Unit	2825
Examiner	Belur V. Keshavan
Atty. Docket Number	501082.06 (98-0616.05)

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## **METHOD OF PAYMENT (Check One)**

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No.: 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP

2. ☒ Check Enclosed

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Subtotal (1)	\$0
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1001	770	2001	385	<input type="checkbox"/> Utility Filing Fee		
1002	340	2002	170	<input type="checkbox"/> Design Filing Fee		
1003	530	2003	265	<input type="checkbox"/> Plant Filing Fee		
1004	770	2004	385	<input type="checkbox"/> Reissue Filing Fee		
1005	160	2005	80	<input type="checkbox"/> Provisional Filing Fee		
					<b>Subtotal (1)</b>	<b>\$0</b>

### **2. EXTRA CLAIM FEES**

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		=	x \$	= \$
				<b>Subtotal (2)</b>
				<b>\$0</b>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent Claim
1204	86	2204	43	Reissue independent claims over original patent
1205	18	2205	9	Reissue claims in excess of 20 and over original patent

### **3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - Late filing fee or oath	\$
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$
1053	130	1053	130	Non-English specification	\$
1812	2,520	1812	2,520	For Filing a Request for <i>ex parte</i> Reexamination	\$
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	\$
1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action	\$
1251	110	2251	55	Extension for reply within first month	\$
1252	420	2252	210	Extension for reply within 2 <sup>nd</sup> month	\$
1253	950	2253	475	Extension for reply within 3 <sup>rd</sup> month	\$
1254	1,480	2254	740	Extension for reply within 4 <sup>th</sup> month	\$
1255	2,010	2255	1,005	Extension for reply within 5 <sup>th</sup> month	\$
1401	330	2401	165	Notice of Appeal	\$
1402	330	2402	165	Filing a brief in support of an appeal	\$
1403	290	2403	145	Request for oral hearing	\$
1814	110	2814	55	Terminal Disclaimer Fee	\$
1452	110	2452	55	Petition to revive - unavoidable	\$
1453	1,330	2453	665	Petition to revive - unintentional	\$
1501	1,330	2501	665	Utility/Reissue issue fee	\$
1502	480	2502	240	Design issue fee	\$
1503	640	2503	320	Plant issue fee	\$
1460	130	1460	130	Petitions to the Commissioner	\$130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	\$
1806	180	1806	180	Submission of IDS	\$
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$
1801	770	2801	385	Request for Continued Examination (RCE)	\$770
Other fee (specify)					\$
					<b>Subtotal (3)</b>
					<b>\$900</b>

**Total Amount of Payment: \$900**

## **Submitted by:**

Name: Steven H. Arterberry	Reg. No.: 46,314	Telephone: (206) 903-8800
Signature: <i>Steven Arterberry</i>	Date: 12/31/03	